

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

vs.

MICHAEL M. WALKER, JR.

Defendant.

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Crim. No. 06-60-03 Erie

Memorandum Opinion & Order

Defendant Michael M. Walker, Jr. has filed a second *pro se* Motion for Retroactive Application of Sentencing Guidelines to Crack Cocaine Offense pursuant to 18 U.S.C. § 3582(c) for a reduction of sentence. ECF No. 262. Like in his first motion, Mr. Walker again seeks a reduction in his 120-month sentence based on the new lowered statutory minimum sentences enacted under the Fair Sentencing Act on August 3, 2010.

We denied Mr. walker's first motion because although the sentencing guidelines applicable to crack cocaine defendants have been lowered and made retroactive to defendants such as Mr. Walker, the lowered statutory mandatory minimum penalties of the Fair Sentencing Act have not been made retroactive to defendants whose sentences became final before the passage of the Act. United States v. Reevey, 631 F.3d 110 (3d Cir. 2010). Mr. Walker's 120-month statutory mandatory minimum sentence was imposed on December 4, 2007, and therefore this mandatory still applies to Mr. Walker.

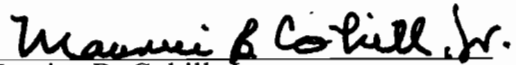
The only relevant law occurring since we first denied Mr. Walker's motion is the United States Supreme Court issued a decision in Dorsey v. United States, 132 S. Ct. 2321 (2012), which held that the more lenient penalties of the Fair Sentencing Act applied to offenders whose crimes preceded the effective date of the Act, but who were sentenced after that date. As we just noted, Mr. Walker's sentence was imposed before the effective date of the Act. Moreover, the

Supreme Court' decision in Dorsey does not affect the ruling in Reevey that Act does not apply to defendants who were sentenced prior to August 3, 2010. United States v. Turlington, 696 F.3d 425, 428 (3d Cir.2012).

Accordingly, we will deny Mr. Walker's motion.

ORDER

AND NOW, to-wit, this 28th day of July 2014 it is hereby ORDERED, ADJUDGED and DECREED that Defendant's Motion for Retroactive Application of Sentencing Guidelines to Crack Cocaine Offense pursuant to 18 U.S.C. § 3582(c) (ECF No. 262) be and hereby is DENIED.


Maurice B. Cohill, Jr.
Senior United States District Judge

cc: counsel of record

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